



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 22 2007

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Planning Rule Comments
P.O. Box 162969
Sacramento, CA 95816-2969

Dear Sir/Madam:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the Forest Service's (FS's) Draft Environmental Impact Statement for National Forest System Land Management Planning"(CEQ # 20070367).

The draft EIS evaluates the adoption of a proposed rule that is essentially identical to the 2005 planning rule. The proposed rule evaluated in the draft EIS sets forth a framework for National Forest System land management planning to provide for sustainability of social, economic, and ecological systems and establishes direction for developing, amending, and revising, land management plans. The proposed rule clarifies that, absent extraordinary circumstances, land management plans developed, amended, or revised under the proposed rule are strategic and are one stage in an adaptive cycle of planning for management of National Forest System lands. The intent of the proposed rule is to: streamline and improve the planning process by making plans more adaptable to changes in social, economic, and environmental conditions; strengthen the role of science in planning; strengthen collaborative relationships with the public and other government entities; and reaffirm the principle of sustainable management consistent with the Multiple-Use Sustained -Yield Act and other authorities.

The draft EIS identifies Alternative A as the preferred alternative. As described in the draft EIS, Alternative A is the 2005 rule with updated effective and transition period dates. S) However, we would like to identify the following issues that we believe need clarification in the final EIS and final rule. Specifically, the issues are as follows:

As discussed in the draft EIS and planing rule, the use of Environmental Management Systems (EMSs) is a key feature of the planning process. Annual monitoring is mentioned as playing a vital role in the ability of the plan process to be adaptable to changing conditions. However, there is little to no discussion in either the draft EIS or rule on how the FS will ensure that annual monitoring will be required. The final EIS and rule should discuss how the FS will require that annual monitoring be carried out. For example, we suggest that the final rule and EIS address whether the FS would require that a budget for

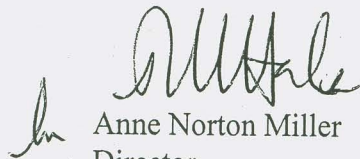
annual monitoring be set up during plan development, whether validation monitoring be conducted and by who, and whether the results of validation monitoring would be feedback into the planning process.

Although the planning rule states that the responsible official only needs to notify public on any changes in monitoring strategies versus preparing a plan amendment; the draft EIS does not discuss this issue. Arguably, any changes in monitoring strategies could potentially have environmental effects depending on the nature of the required monitoring. Thus, we suggest that the final EIS should address under what circumstances only a notification to the public are warranted compared to a plan amendment. It would reasonable be assumed that any changes in a monitoring plan/strategy should be addressed in greater detail through a plan amendment and any associated environmental review.

Both the planning rule and the draft EIS acknowledge that land management plans are approved as categorical exclusions (CEs). However, it was unclear as to whether CE memos are prepared for such actions. We would suggest that the planning rule and final EIS address whether CE memos are prepared for these actions and whether the public may obtain copies for review.

- EPA appreciates the opportunity to comment on the draft EIS and proposed rule for National Forest System Land Management Planning. Should you have questions about our comments, I can be reached at 202/ 564-5400 or your staff can contact Elaine Suriano at 202/564-7162.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anne Norton Miller", is written over a faint, larger signature.

Anne Norton Miller
Director
Office of Federal Activities